

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

LAUSTEVEION JOHNSON,

Plaintiff,

v.

MICAELA GAROFALO, *et al.*,

Defendants.

Case No. 3:21-CV-00239-MMD-CLB

**ORDER DENYING MOTION FOR  
IMMEDIATE RELEASE, GRANTING  
MOTION TO STAY PROCEEDINGS,  
DENYING WITH LEAVE TO REFILE  
MOTION FOR SUMMARY JUDGMENT,  
AND GRANTING MOTION TO SEAL**

[ECF Nos. 60, 61, 62, 63]

Before the Court is Plaintiff Lausteveion Johnson's ("Johnson") motion to stay proceedings, (ECF No. 61) and motion for immediate release, (ECF No. 60). Also before the Court is Defendants James Dzurenda, Joseph Ferro, Micaela Garofalo, Guillermo Hernandez, William Hutchings, Monique Hubbard-Pickett, Marc LaFleur, Leo Martinez, Kimberley McCoy, Jennifer Nash, Francis Oakman and Brian Williams's (collectively referred to as "Defendants"), motion for summary judgment, (ECF No. 62), and motion to seal, (ECF No. 63). Each is discussed in turn.

**I. MOTION TO STAY**

According to Johnson's motion to stay, he was granted parole and will be released from prison between April 23, 2023 and April 30, 2023, and will not have access to his legal materials for a period of time. (ECF No. 61 at 2.) Thus, Johnson asks the Court to stay his case until May 20, 2023. (*Id.*)

It is well established that district courts have the inherent power to control their dockets and manage their affairs; this includes the power to strike or deny motions to streamline motion practice and promote judicial efficiency. *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404–05 (9th Cir. 2010); *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Additionally, "the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time

1 and effort for itself, for counsel, and for litigants.” *Landis*, 299 U.S. at 254. When  
 2 exercising that discretion, courts are guided by the goals of securing the just, speedy, and  
 3 inexpensive resolution of actions. See FED. R. CIV. P. 1.

4 To that end, the Court considers several articulated factors when deciding whether  
 5 to stay a case: “the competing interests which will be affected by the granting or refusal  
 6 to grant a stay must be weighed” including the possible damage which may result from  
 7 the granting of a stay, the hardship or inequity which a party may suffer in being required  
 8 to go forward, and the orderly course of justice measured in terms of the simplifying or  
 9 complicating of issues, proof, and questions of law which could be expected to result from  
 10 a stay.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962).

11 The Court has considered these factors and finds, in the exercise of its sound  
 12 discretion, that a brief stay of these proceedings until **June 15, 2023** is appropriate.

13 The Court additionally notes that pursuant to Nevada Local Rule of Practice IA 3-  
 14 1, a “pro se party must immediately file with the court written notification of any change of  
 15 mailing address ... Failure to comply with this rule may result in the dismissal of the  
 16 action, entry of default judgment, or other sanctions as deemed appropriate by the court.”  
 17 Nev. Loc. R. IA 3-1. Thus, Johnson must file his notice of change of address once he has  
 18 been released from custody.

## 19 **II. MOTION FOR IMMEDIATE RELEASE**

20 Next, Johnson’s motion for immediate release argues that because Johnson’s  
 21 parole eligibility date was adjusted, he should be immediately released from prison. (ECF  
 22 No. 60.) While prisoners may challenge the constitutionality of state parole procedures in  
 23 an action under Section 1983, they may not seek “an injunction ordering [] immediate or  
 24 speedier release into the community.” *Wilkinson v. Dotson*, 544 U.S. 74, 82 (2005).  
 25 Habeas is the exclusive remedy for the prisoner who seeks immediate or speedier release  
 26 from confinement. *Skinner v. Switzer*, 562 U.S. 521, 533-34 (2011) (internal quotation  
 27 omitted); see also *Ramirez v. Galaza*, 334 F.3d 850, 858-59 (9th Cir. 2003) (implying that  
 28 claim, which if successful would “necessarily” or “likely” accelerate the prisoner’s release

1 on parole, must be brought in a habeas petition). Accordingly, Johnson's motion has been  
2 brought improperly in this 1983 action and is accordingly denied.

### 3 **III. MOTION FOR SUMMARY JUDGMENT AND MOTION TO SEAL**

4 Finally, Defendants have filed a motion for summary judgment, (ECF No. 62), and  
5 a motion to seal. (ECF No. 63.) Because the Court is granting a stay in this case, and for  
6 purposes of judicial economy, the Court finds it appropriate to deny with leave to refile,  
7 the motion for summary judgment. (ECF No. 62).

8 As to the motion to seal, Defendants move to file Exhibit G to the motion for  
9 summary judgment under seal based on it containing confidential medical information.  
10 (ECF No. 63.) When the documents proposed for sealing are "more than tangentially  
11 related" to the merits of the case, the Court applies the compelling reasons standard to  
12 determine whether sealing is appropriate. See *Ctr. for Auto Safety v. Chrysler Grp., LLC*,  
13 809 F.3d 1092, 1099 (9th Cir. 2016). Under the compelling reasons standard, "a court  
14 may seal records only when it finds 'a compelling reason and articulate[s] the factual basis  
15 for its ruling, without relying on hypothesis or conjecture.'" *United States v. Carpenter*,  
16 923 F.3d 1172, 1179 (9th Cir. 2019) (quoting *Ctr. for Auto Safety*, 809 F.3d at 1096-97)  
17 (alteration in original). Here, the referenced exhibits contains Johnson's sensitive health  
18 information. Balancing the need for the public's access to information regarding medical  
19 treatment against the need to maintain the confidentiality of the information weighs in  
20 favor of sealing these exhibits. Accordingly, the Court finds compelling reasons exist to  
21 seal the document, and thus the motion, (ECF No. 63), is granted.

### 22 **IV. CONCLUSION**

23 For good cause appearing, **IT IS ORDERED** that Johnson's motion to stay  
24 proceedings, (ECF No. 61), is **GRANTED**.

25 **IT IS FURTHER ORDERED** that this action is **STAYED** until **June 15, 2023**, at  
26 which point the stay shall be automatically lifted.

27 **IT IS FURTHER ORDERED** that Johnson shall file, as soon as practicable, his  
28 updated address with the Court.

1           **IT IS FURTHER ORDERED** that Johnson's motion for immediate release, (ECF  
2 No. 60), is **DENIED**.

3           **IT IS FURTHER ORDERED** that Defendants' motion for summary judgment, (ECF  
4 No. 62), is **DENIED, with leave to refile**, upon the lifting of the stay.

5           **IT IS FURTHER ORDERED** that Defendants' motion to seal, (ECF No. 63), is  
6 **GRANTED**.

7           **IT IS SO ORDERED.**

8 **DATED:** April 12, 2023.



**UNITED STATES MAGISTRATE JUDGE**